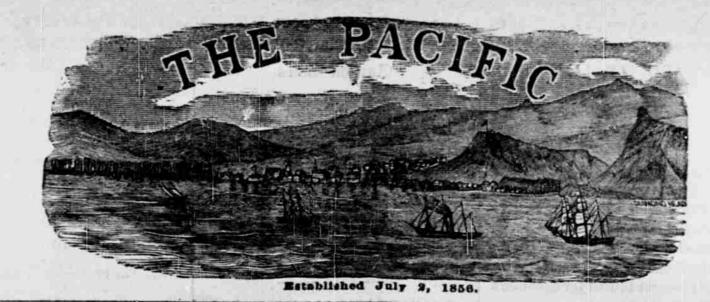
Commercial



Advertiser.

VOL. XVII. NO. 3358.

HONOLULU, HAWAIIAN ISLANDS, WEDNESDAY, APRIL 19, 1893.

PRICE 5 CENTS.

Pacific Commercial Advertiser H. N. CASTLE, EDITOR.

-IS PUBLISHED-

Every Morning Except Sundays,

HAWAIIAN GAZETTE COMPANY, At No. 48 Merchant St.

SUBSCRIPTION RATES:

DAILY PACIFIC COMMERCIAL ADVERTISE

Per year, with "Guide'. premium...\$ 6 00 Per year, postpaid Foreign 12 00

Per year, postpaid to United States

(6 PAGES)-

of America, Canada, or Mexico. 10 00 WEEKLY (12 PAGES) HAWAIIAN GAZETTE Per year, with "Guide" premium. \$ 5 00 Per year, postpaid Foreign 6 00

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H. M. WHITNEY, Manager.

SPECIAL NOTICE.

- Ail transient advertise

scriptions must be prepaid. Carriers are not allowed to sell papers, nor to receive payments from

Single copies of the DAILY ADVER-TISER OF WEEKLY GAZETTE can al-ways be purchased from the News Dealers or at the office of publica-tion, 46 Merchant street.

RATES- DAILY ADVERTISER, 50cts per month, or \$6.00 a year in advance. WEEKLY GAZETTE, \$5.00 a year in advance. Papers not promptly paid for on presentation of the bill, will be stopped without

Subscriptions for the Daily Adver-tises and Weekly Gazette may be paid at the publication office, 46 Mer-chant street, or to the collector, F. J. Peterman, who is authorized to receipt for the same.

Any subscriber who pays to the un-dersigned for either paper one year, strictly in advance, will receive one copy of the "Tourists' Guide" as

Ten Dollars reward will be paid for information that will lead to the conviction of any one stealing the Daily or Weekly left at the office or residence of subscribers.

Lengthy advertisements should be handed in during the day, to insure publication the next morning. Short notices received up to 10 p. m.

HAWAIIAN GAZETTE CO., H. M. WHITNEY, Manager.

In the Supreme Court of the Ha-

waiian Islands.

IN THE MATTER OF J. HUBASH, AN ALLEGED BANKRUPT.

FREAR, JJ.

BEFORE JUDD, C. J., BICKERTON AND

An appeal bond which does not designate the decision appealed from, nor the cause or Court in which it was ren-dered, is insufficient.

OPINION OF THE COURT BY FREAR, J.

This case was placed on the calendar as an appeal from a decision rendered July 27, 1892, by Bickerton, J., deaying the petition of Bishop & Co., that defendant Hubash be declared a bankrupt. Defendant's counsel moves that the case be ordered stricken from the calendar on the ground that no sufficient appeal bond was filed as required by the statute (Laws 1884, Ch. 35, Sec. 21).

There is a document on file which petitioner's counsel contend is a suffi cient appeal bond. It is in the following words:

"Know all men by these presents that we, Charles R. Bishop, J. H. Paty and S. M. Damon, copartners doing business together under the firm name of Bishop & Co., are held and firmly bound unto Henry Smith, Chief Clerk of the Supreme Court and his successors in office, in the penal sum of one hundred dollars, for the payment of which we bind ourselves, our heirs, executors and Arrive Honolulu Leave Honolulu administrators. Witness our hands this 27th day of July, A. D. 1892.
The condition of this obligation is such that if we shall pay all costs arising from our appeal to the Supreme Court in Banco from the decision and order made this day arising from said appeal in accept to hell ing from said appeal in case it shall be sustained, then this obligation to be void.

"Вівнор & Со.

Witness : C. L. Carter." This document is not entitled in any Court or cause, nor does it give the names of the parties to the proceedings. It does not in any way identify the decision appealed from, nor the cause or Court in which it was rendered; nor does it state the or Court. For aught that appears in the bond it might have been filed with equal propriety in any appeal-able case in which Bishop & Co. were either plaintiffs or defendants, or in

which any other person than Hubash was the opposing party, or in an exparte proceeding in which Bishop & Co. were the only parties; or in a case decided in the Supreme Court, or in any Circuit, Police or District Court. How could a recovery be had on the bond in case this appeal should not be sustained, there being nothing to identify the decision, or the cause or Court in which it was

rendered? The bond is clearly insufficient, and this view is fully sustained by the following recent cases: In reestate of O'Hara, 60 Texas, 179; Burch vs. Bastrop, 38 Tex., 80; Sutherland vs. Putnam (Ariz.), 24 Pac. Rep., 320; Jackson vs. Relf (Fla.), 4 So. Rep.,

The bond is also defective in other respects which need not be consid-

The appeal is dismissed. C. L. Carter and F. M. Hatch for petitioners; C. W. Ashford for de-

endant. Honolulu, April 7th, 1893. The Illustrated Tourists' Guide That popular work, "THE TOURISTS

GUIDE THROUGH THE HAWAHAN ISL-ANDS," is meeting with a steady sale both at home and abroad. Tourists and others visiting these islands should be in possession of a copy of it. It is a perfect mine of information relating to the scenes and attractions to be met with here. Copies in wrappers can be had at the publication office, 46 Merchant street, and at the News Dealers. Price 60 cents.

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And will leave for the above port with Mails and Passengers on or about that

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for S. F.

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Honolulu, Sept. 20, 1892. 3181-3m



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Hotel St., opp. Dr. J. S. McGrew' GAS ADMINISTERED.

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